

15.105 EQUAL EMPLOYMENT OPPORTUNITY (EEO) COMPLAINT PROCESS

Reference:

Procedure 15.106, Sexual Harassment
 Procedure 19.107, Family Medical Leave Act (FMLA)
 Manual of Rules and Regulations - 1.06 D, 1.13, 1.23C
 City Manager's Administrative Regulation #25
 City Manager's Administrative Regulation #55
 Title VII of the Civil Rights Act of 1964, As Amended
 Equal Employment Opportunity (EEO) Commission Guidelines (1980)
 The Americans with Disabilities Act of 1990
 The Family and Medical Leave Act of 1993
 The Age Discrimination in Employment Act of 1967
 Ohio Revised Code Chapter 4112, Civil Rights Commission
 Cincinnati Municipal Code 308-79, Protected Employee Actions

Purpose:

Allow all Department employees to work in an environment free from any type of discrimination in the work place.

Establish an Equal Employment Opportunity (EEO) complaint process for reporting complaints of any unlawful discriminatory practice.

Policy:

Any form of discrimination is against the law and is a prohibited personnel practice. Employees who violate this policy are subject to the disciplinary process.

Supervisors notified of an Equal Employment Opportunity (EEO) complaint originating within the Department will prepare a Form 17 to the Chief.

Supervisors investigating an EEO complaint that has been filed through the Human Resources Department (HR) will complete the "Department Response to Employee Relations/EEO Complaint" form.

Information:

Completing the Department Response to Employee Relations/EEO Complaint form allows supervisors to document facts and organize thoughts for an accurate response to an EEO complaint. Maintaining records of EEO complaints assists HR and the Law Department in identifying facts associated with the complaint.

Personnel Section is the Department liaison with HR. Personnel Section is responsible for maintaining a file of all EEO complaints. District/section/unit supervisors must insure copies of EEO complaints originating within the Department are forwarded to Personnel Section.

The Police Chief's Office will forward to Personnel Section copies of all EEO complaints filed through HR on behalf of or involving Department members. The Police Chief will determine the district/section/unit responsible for the investigation of an EEO complaint. Complaints of sexual harassment will be investigated by the Internal Investigations Section.

Procedure:

A. Reporting EEO Complaints

1. Employees with complaints of any unlawful discriminatory practice may report his/her complaint to:
 - a. Any supervisor.
 - 1) Notification to a Department supervisor can be done orally or in writing.
 - b. Any EEO counselor.
 - c. The City's EEO Office (Human Resources Department)
Two Centennial Plaza
805 Central Avenue, Suite 200
Cincinnati, Ohio 45202
Telephone number: 352-2400
 - d. The Ohio State Civil Rights Commission
7162 Reading Road, Suite 1001
Cincinnati, Ohio 45237
Telephone number: 852-3344
 - e. The Federal Equal Employment Opportunity Commission
John W. Peck Federal Building
550 Main Street, Suite 10019
Cincinnati, Ohio 45202
Telephone number: 684-2851

B. Supervisor Responsibilities:

1. Each supervisor is responsible for preventing acts of sexual harassment and acts which create an intimidating, hostile, or offensive working environment by:
 - a. Monitoring the work environment on a daily basis.
 - b. Counseling all employees on the types of behavior prohibited and the Department's procedure for reporting and resolving EEO complaints.

- c. Stopping any observed acts which may be considered sexual harassment, offensive or derogatory remarks and/or hostility or aversion toward an individual because of his or her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, HIV status, or Appalachian regional ancestry, or that of his or her relatives, friends, or associates, and taking appropriate steps to intervene, whether or not the involved employees are within their line of supervision.
 - 2. When a supervisor is notified of any EEO complaint originating within the Department, the supervisor will prepare a Form 17 to the Chief.
 - a. The Form 17 should include the names of all persons involved, time and location where the alleged incident(s) occurred, the nature of the complaint, and any action taken.
 - b. The supervisor will place the Form 17 in a sealed envelope. Do not route through the chain of command.
 - c. The Form 17 will be sent directly to the Police Chief for determination of an investigation.
 - 1) A copy of the Form 17 will be placed in a sealed envelope and forwarded to Personnel Section.
- C. Internal Investigations Section (IIS) Responsibilities in Sexual Harassment Complaints
 - 1. IIS will investigate a complaint of sexual harassment pursuant to their standard operating procedures (SOP) and Procedure 15.106, Sexual Harassment, Sections C. and D.
- D. Notification of an EEO Complaint Received from the Human Resources Department
 - 1. Upon notification of an EEO complaint received by HR, the assigned district/section/unit supervisor will conduct an investigation, complete the Department Response to Employee Relations/EEO Complaint form, and forward (along with the complaint) to Personnel Section via interdepartmental mail.
 - a. Completing the Department Response to Employee Relations/EEO Complaint form is required **only** when the complaint has been filed through HR.
- E. Personnel Section Responsibilities
 - 1. Serve as the Department liaison with HR.
 - 2. Forward a copy of the EEO complaint to the appropriate district/section/unit for investigation by a supervisor.
 - 3. Ensure the copy of the EEO complaint and the Department Response to Employee Relations/EEO Complaint form are forwarded to HR.

4. Maintain a file of all EEO complaints.
 5. Notify the Police Chief's Office of the status of all EEO complaints.
- F. Offensive/Derogatory Remarks by a Service Provider
1. Services provided through a service provider under contract with the City are to remain free of any form of offensive or derogatory remarks, hostility or aversion toward an individual because of his or her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, HIV status, or Appalachian regional ancestry, or that of his or her relatives, friends, or associates. Personnel who believe they have been subjected to offensive or derogatory remarks or have knowledge of conduct constituting the above, have a responsibility to notify any resource listed in Section A.1.a. through A.1.e.
- G. Retaliation
1. There will be no retaliation against any employee for filing any complaint of unlawful discriminatory or otherwise prohibited behavior, an EEO sexual harassment complaint, or for assisting, testifying, or participating in the investigation of such complaint.
- H. False and Malicious Claims
1. EEO complaints determined to be false and malicious will be treated in the same manner as other forms of serious misconduct.